

# HB5852



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5852

by Rep. Tom Cross - Jim Sacia

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-401.3

from Ch. 95 1/2, par. 5-401.3

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning scrap processors and recyclable metal dealers.

LRB095 17896 WGH 43976 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 5-401.3 as follows:

6 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

7 Sec. 5-401.3. Scrap processors and recyclable metal  
8 dealers required to keep records.

9 (a) Every person licensed or required to be licensed as a  
10 scrap processor pursuant to Section 5-301 of this Chapter, and  
11 every recyclable metal dealer as defined in Section 1-169.3 of  
12 this Code, shall maintain for 3 years, at his established place  
13 of business, the ~~the~~ following records relating to the  
14 acquisition of scrap metals or the acquisition of a vehicle,  
15 junk vehicle, or vehicle cowl which has been acquired for the  
16 purpose of processing into a form other than a vehicle, junk  
17 vehicle or vehicle cowl which is possessed in the State or  
18 brought into this State from another state, territory or  
19 country. No scrap metal processor or recyclable metal dealer  
20 shall sell a vehicle or essential part, as such, except for  
21 engines, transmissions, and powertrains, unless licensed to do  
22 so under another provision of this Code. A scrap processor or  
23 recyclable metal dealer who is additionally licensed as an

1 automotive parts recycler shall not be subject to the record  
2 keeping requirements for a scrap processor or recyclable metal  
3 dealer when acting as an automotive parts recycler.

4 (1) For a vehicle, junk vehicle, or vehicle cowl  
5 acquired from a person who is licensed under this Chapter,  
6 the scrap processor or recyclable metal dealer shall record  
7 the name and address of the person, and the Illinois or  
8 out-of-state dealer license number of such person on the  
9 scrap processor or recyclable metal dealer's weight ticket  
10 at the time of the acquisition. The person disposing of the  
11 vehicle, junk vehicle, or vehicle cowl shall furnish the  
12 scrap processor or recyclable metal dealer with  
13 documentary proof of ownership of the vehicle, junk  
14 vehicle, or vehicle cowl in one of the following forms: a  
15 Certificate of Title, a Salvage Certificate, a Junking  
16 Certificate, a Secretary of State Junking Manifest, a  
17 Uniform Invoice, a Certificate of Purchase, or other  
18 similar documentary proof of ownership. The scrap  
19 processor or recyclable metal dealer shall not acquire a  
20 vehicle, junk vehicle or vehicle cowl without obtaining one  
21 of the aforementioned documentary proofs of ownership.

22 (2) For a vehicle, junk vehicle or vehicle cowl  
23 acquired from a person who is not licensed under this  
24 Chapter, the scrap processor or recyclable metal dealer  
25 shall verify and record that person's identity by recording  
26 the identification of such person from at least 2 sources

1 of identification, one of which shall be a driver's license  
2 or State Identification Card, on the scrap processor or  
3 recyclable metal dealer's weight ticket at the time of the  
4 acquisition. The person disposing of the vehicle, junk  
5 vehicle, or vehicle cowl shall furnish the scrap processor  
6 or recyclable metal dealer with documentary proof of  
7 ownership of the vehicle, junk vehicle, or vehicle cowl in  
8 one of the following forms: a Certificate of Title, a  
9 Salvage Certificate, a Junking Certificate, a Secretary of  
10 State Junking Manifest, a Certificate of Purchase, or other  
11 similar documentary proof of ownership. The scrap  
12 processor or recyclable metal dealer shall not acquire a  
13 vehicle, junk vehicle or vehicle cowl without obtaining one  
14 of the aforementioned documentary proofs of ownership.

15 (3) In addition to the other information required on  
16 the scrap processor or recyclable metal dealer's weight  
17 ticket, a scrap processor or recyclable metal dealer who at  
18 the time of acquisition of a vehicle, junk vehicle, or  
19 vehicle cowl is furnished a Certificate of Title, Salvage  
20 Certificate or Certificate of Purchase shall record the  
21 vehicle Identification Number on the weight ticket or affix  
22 a copy of the Certificate of Title, Salvage Certificate or  
23 Certificate of Purchase to the weight ticket and the  
24 identification of the person acquiring the information on  
25 the behalf of the scrap processor or recyclable metal  
26 dealer.

1           (4) The scrap processor or recyclable metal dealer  
2 shall maintain a copy of a Junk Vehicle Notification  
3 relating to any Certificate of Title, Salvage Certificate,  
4 Certificate of Purchase or similarly acceptable  
5 out-of-state document surrendered to the Secretary of  
6 State pursuant to the provisions of Section 3-117.2 of this  
7 Code.

8           (5) For scrap metals valued at \$100 or more, the scrap  
9 processor or recyclable metal dealer shall verify and  
10 record the identity of the person from whom the scrap  
11 metals were acquired by recording the identification of  
12 that person from one source of identification, which shall  
13 be a driver's license or State Identification Card, on the  
14 scrap processor or recyclable metal dealer's weight ticket  
15 at the time of the acquisition. The inspection of records  
16 pertaining only to scrap metals shall not be counted as an  
17 inspection of a premises for purposes of subparagraph (7)  
18 of Section 5-403 of this Code.

19           This subdivision (a)(5) does not apply to electrical  
20 contractors, to agencies or instrumentalities of the State  
21 of Illinois or of the United States, to common carriers, to  
22 purchases from persons, firms, or corporations regularly  
23 engaged in the business of manufacturing recyclable metal,  
24 in the business of selling recyclable metal at retail or  
25 wholesale, or in the business of razing, demolishing,  
26 destroying, or removing buildings, to the purchase by one

1 recyclable metal dealer from another, or the purchase from  
2 persons, firms, or corporations engaged in either the  
3 generation, transmission, or distribution of electric  
4 energy or in telephone, telegraph, and other  
5 communications if such common carriers, persons, firms, or  
6 corporations at the time of the purchase provide the  
7 recyclable metal dealer with a bill of sale or other  
8 written evidence of title to the recyclable metal. This  
9 subdivision (a)(5) also does not apply to contractual  
10 arrangements between dealers.

11 (b) Any licensee or recyclable metal dealer who knowingly  
12 fails to record any of the specific information required to be  
13 recorded on the weight ticket or who knowingly fails to acquire  
14 and maintain for 3 years documentary proof of ownership in one  
15 of the prescribed forms shall be guilty of a Class A  
16 misdemeanor and subject to a fine not to exceed \$1,000. Each  
17 violation shall constitute a separate and distinct offense and  
18 a separate count may be brought in the same complaint for each  
19 violation. Any licensee or recyclable metal dealer who commits  
20 a second violation of this Section within two years of a  
21 previous conviction of a violation of this Section shall be  
22 guilty of a Class 4 felony.

23 (c) It shall be an affirmative defense to an offense  
24 brought under paragraph (b) of this Section that the licensee  
25 or recyclable metal dealer or person required to be licensed  
26 both reasonably and in good faith relied on information

1 appearing on a Certificate of Title, a Salvage Certificate, a  
2 Junking Certificate, a Secretary of State Manifest, a Secretary  
3 of State's Uniform Invoice, a Certificate of Purchase, or other  
4 documentary proof of ownership prepared under Section 3-117.1  
5 (a) of this Code, relating to the transaction for which the  
6 required record was not kept which was supplied to the licensee  
7 or recyclable metal dealer by another licensee or recyclable  
8 metal dealer or an out-of-state dealer.

9 (d) No later than 15 days prior to going out of business,  
10 selling the business, or transferring the ownership of the  
11 business, the scrap processor or recyclable metal dealer shall  
12 notify the Secretary of that fact. Failure to so notify the  
13 Secretary of State shall constitute a failure to keep records  
14 under this Section.

15 (e) Evidence derived directly or indirectly from the  
16 keeping of records required to be kept under this Section shall  
17 not be admissible in a prosecution of the licensee or  
18 recyclable metal dealer for an alleged violation of Section  
19 4-102 (a) (3) of this Code.

20 (Source: P.A. 95-253, eff. 1-1-08.)